

## REMARKS

Claims 23, 29-37, 39, 42, 47-48, 50-58, 60-62 and 65-66 are presented in this application, of which claims 23, 29, 31-32-37, 42, 47, 55, 57, 60, and 62 are presently amended, and of which claim 33 is withdrawn from consideration. Claims 38, 43, 46, 59, and 64 are presently cancelled without prejudice, with the recitations of and of claims 43 and 46 added to claim 42. Claims 55 and 57 have been amended to provide proper antecedent basis. The amendment to claim 60 from the unentered amendment dated September 25, 2007, which was deemed to have overcome the rejection of this claim under 35 U.S.C. § 112, is made again herein to be entered into the application. Claims 65 and 66 have been added and are fully supported by the originally filed specification, claims, and drawings.

Claims 23, 29-32, 34-37, 39, 42, 43, 46-48, and 50-57 have been rejected under 35 U.S.C. § 112, first and second paragraphs, due to the recitations of sanitizing and cleansing operations. In response, claims 23, 29, 31-37, 39, 47, 55, and 58, as well as claim 62, to recite a "cleaning operation," instead of a cleansing operation, which is supported, for example, in paragraph [0016] of the published application. These rejections are now believed to be overcome.

Claims 23, 29-32, 34-36, 39, 42, 43, 46-48, 50-56, 58 and 62-64 have been rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,762,096 to Mirabile ("the Mirabile '096 patent"), which incorporates U.S. Patent No. 4,527,585 to Mirabile ("the Mirabile '585 patent"). In addition, claims 37, 57, 58, 59, 60 and 61 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Mirabile '096 patent.

Claims 23, 58, and 62 have been amended to define that hot water alone is directed to the at least a portion of the dispensing path to conduct the sanitizing operation. This is supported in the original application, for example in paragraph [0051] of the published application.

In contrast, Mirabile uses detergent to accomplish the same goal, stating that "in order to sanitize larger beverage conduits, more liquid detergent is typically required and valve 88 can be kept open for a longer period of time." *See*, Mirabile, col. 4, lines 64-67. Mirabile then commences a rinsing process wherein water alone is utilized to remove any cleaning solution that remains. Mirabile, col. 7, lines 30-34. Consequently, there is no teaching or

suggestion of the invention of claim 23 in the cited references, and the claim 23 is thus patentably distinct therefrom.

Claim 65 recites that water from the same water supply is used for mixing with the food product for making the servings, as well as for conducting the sanitizing operation. Claim 66 recited recirculating the cleansing fluid along the cleansing fluid path. These recitations are neither taught nor suggested by the references.

In light of Applicants' amendments and remarks, a notice of allowance is respectfully requested. Should the Examiner have any questions or concerns regarding the amendments, remarks or the above-identified application, then a telephonic interview with the undersigned is respectfully requested to discuss any such questions or concerns and to accelerate the allowance of the above-identified application.

Respectfully submitted,

  
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Date